MANITOBA

MINISTER OF COMMUNITY SERVICES AND CORRECTIONS

WINNIPEG, MANITOBA
R3C 0V8

A significant number of preschool children in Manitoba now attend a day care facility or a nursery school, either because their parents are working or for an enriching play experience. Parents and the community as a whole are concerned that the care these children receive is the best possible, particularly in their important formative years.

The rapid growth of day care in the 1970's has demonstrated the need for a uniform set of licensing standards with clearly defined requirements. We have many excellent day care centres and family day care homes in Manitoba, and the introduction of revised and comprehensive standards will often summarize existing practices in effect throughout the province. However, the new standards will represent a commitment to the young children of our province to ensure that their care away from home is positive and beneficial.

I am therefore pleased to present for public discussion this "Consultation Paper on Day Care Standards for Manitoba". The Consultation Paper has been developed prior to finalizing day care licensing regulations in order to:

- outline the specific requirements for licensing regulations to be introduced under The Community Child Day Care Standards Act
- provide reasons for the introduction of new requirements, or for revisions to or deletions from existing requirements
- introduce for discussion new concepts and types of day care services not presently licensed in Manitoba
- request responses to the specific requirements from parents, day care providers, staff, board members, and other concerned individuals
- identify essential considerations for the successful implementation of the day care regulations (e.g. training, enforcement, phasing-in periods).

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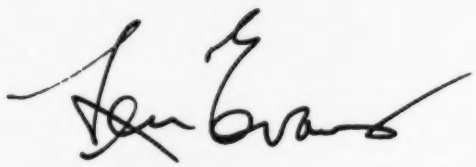
I encourage all concerned individuals to examine the standards carefully and contribute to their development by participating fully in the public discussions which will follow the circulation of the Consultation Paper. The regulations which will be introduced after the consultation process is complete will therefore be representative of the views of parents, day care workers and government alike.

New licensing requirements may result in some increased costs for the Manitoba day care program. The financial implications of any new standards can therefore be expected to have some effect on the actual standards to appear in the regulations, on the timing of the implementation of the standards, and on the means of funding day care facilities to meet the new standards.

Once again I urge your serious consideration of this Consultation Paper. Your contribution will help guarantee a set of regulations which are meaningful and respectful of the needs of those individuals directly affected by them -- children, parents and day care staff.



Len Evans

CONSULTATION PAPER ON
DAY CARE STANDARDS FOR MANITOBA

		PAGE
	MESSAGE FROM THE MINISTER	
I	INTRODUCTION	
	Social Changes	1
	Current Day Care Legislation in Manitoba	2
	The Roles of Families and Government in Day Care Services	2
	Principles for Day Care Standards	3
	Role of Day Care Legislation	3
	Implementation Process	4
II	TYPES OF LICENSED DAY CARE FACILITIES	
	Preschool Day Care Centre - Full Time	5
	Preschool Day Care Centre - Part Time	5
	School Age Day Care Centre	6
	Occasional Day Care Centre	6
	Family Day Care Home	6
	Group Day Care Home	7
	Private Home Day Care	7
	Summary of Types of Day Care Facilities	8
III	LICENSING STANDARDS	
	Introduction	9
	A. Standards for Preschool and School Age Day Care Centres	
	1. Licence application	10
	2. Licence renewal	11
	3. Record keeping	11
	4. Staff training requirements	12
	5. Supervision (staff-child ratios and group sizes)	16
	6. Space	19
	7. Daily program	20
	8. Behaviour management	21
	9. Furnishings	22
	10. Program equipment	24
	11. Health	26
	12. Nutrition	28
	13. Emergency procedures	30
	14. Evening and night care	30

PAGE

B. Standards for Occasional Day Care Centres

1. Licence application 33
2. Record keeping 33
3. Staff training requirements 33
4. Supervision 33
5. Space 34
6. Program equipment 34

C. Standards for Family Day Care Homes

1. General Licensing requirements 35
2. Licence renewal 35
3. Record keeping 35
4. Provider training 36
5. Supervision 37
6. Space 38
7. Daily program 38
8. Behaviour management 39
9. Furnishings 39
10. Program equipment 40
11. Health 40
12. Nutrition 42
13. Emergency procedures 42

D. Standards for Group Day Care Homes

1. Staff training requirements 44
2. Supervision 44
3. Space 44
4. Furnishings 45

E. Standards for Private Home Day Care 46

F. Standards for the Care of Special Needs Children 47

IV CONCLUSION

The Consultative Process and the Implementation of Day Care Standards 48

Enforcement of Day Care Standards 48

Ongoing Process 49

V APPENDIX

The Community Child Day Care Standards Act 50

I INTRODUCTION

Social Changes

While day care has existed in the form of private in-home arrangements for generations, the expansion of the service to include the care of children by non-family members or in day care centres is a relatively recent phenomenon. Even though the first day care agency in Manitoba was established in 1909 (and is still operating today), by 1974 when the Manitoba Child Day Care Program was introduced the number of licensed centres had increased only moderately to approximately 30. However, by 1982 the number of centres has reached 300 and continues to expand.

Social service agencies have sponsored family day care homes since the 1960's, although the first of these homes was not licensed by the Province until 1975. The number of licensed family day care providers continues to increase, with a total of 275 licensed in 1982.

The demand for an increasing variety and number of quality child care arrangements is the result of several recent social changes, including:

- a greater number of single parents who are working to support their families;
- a significant economic shift which has resulted in an increased number of families in which both parents work;
- a decline in the number of private caregivers, due to many of these individuals entering the work force rather than providing child care in their own homes; and
- a growing awareness of the long lasting significance of infant and preschool children's experiences.

Current Day Care Legislation in Manitoba

Preschool day care centres in Winnipeg are licensed by the City of Winnipeg under its License By-law 260/72 (Section 47, Welfare Institution). Non-Winnipeg preschool day care centres, and all family day care homes and school age day care centres are licensed by the Government of Manitoba under Manitoba Regulation 159/80. The authority for this latter legislation is The Social Services Administration Act. In both Winnipeg and rural areas, major responsibility for the enforcement of the standards lies with municipal and provincial public health and fire inspectors.

Although legislation has not changed significantly over the years, recent experience and research have provided important information about the development of young children which has been incorporated by day care centres into the planning of play activities and daily experiences for the children in their care.

In addition, the variety and complexity of the child care needs of families with young children have increased. The types of programs which have evolved thus require that standards be established to reflect the services provided.

The Roles of Families and Government in Day Care Services

The approach of the Manitoba Government to day care services is that day care is supportive of family life. Day care facilities may assist parents in fulfilling their responsibility for caring for children, but do not replace them in this function.

For this reason, it is important that wherever possible parents participate in the management of their children's day care experiences. They can do so through representation on day care centre boards of directors and parent committees, as well as by daily contact with day care staff.

Manitoba has a history of providing services for individuals and groups in need of assistance. Foster children, residents in group homes and children in public school settings are some examples of groups for whom concern has been expressed, and for whose benefit operating

standards have been established. The regulation of day care services is therefore consistent with the Government's ongoing commitment to the development of social services in this Province.

Principles for Day Care Standards

The development of the day care standards outlined in this paper has been based upon the following principles:

- every child requiring day care has the right to be cared for in a nurturing and stimulating setting;
- day care is a community service which can best serve the needs of children when it is operated by and for those families or community groups in need of day care services;
- day care should be an integrated service which allows for and encourages the involvement of children and families from a variety of social, cultural and developmental backgrounds; and
- day care standards should be sufficiently flexible to allow for the diverse regional and cultural variations in Manitoba.

Role of Day Care Legislation

Day care legislation identifies the level of service which should be provided for children before a day care facility may be permitted to operate.

To be included as a legislated standard each requirement should:

- have an impact on the well-being of children and on the operation of the day care facility;
- result in a deterioration of care to children if it were not included; and
- be measurable and enforceable.

Qualities which may be important but which do not meet these three criteria may be identified in a format other than regulations.

Licensing standards establish a minimally acceptable level of service by identifying the essential features which must be provided for children. The quality of chilren's day care experiences will naturally be enhanced, and the individuality of each program will become more evident as aspects reflecting unique cultural or regional perspectives are added to day care programs.

Implementation Process

The sequence for the development of comprehensive legislation for day care standards is expected to proceed as follows:

- passage of The Community Child Day Care Standards Act by the Legislature, after public representations to a Standing Committee of the Legislature;
- development and circulation of a Consultation Paper on licensing standards;
- consultation with the community about the content of the Paper;
- development of regulations based upon the consultation process; and
- proclamation of The Community Child Day Care Standards Act and Regulations.

II TYPES OF LICENSED DAY CARE FACILITIES

The Community Child Day Care Standards Act, included as Appendix A, has defined the range of services for which licensing requirements will be required in terms of ages and numbers of children. This section of the paper summarizes these types of facilities and further clarifies child care situations which will require licensing.

Preschool Day Care Centre - Full Time

A full time preschool day care centre will provide care for more than 4 consecutive hours per day to more than 5 children less than 6 years of age. It is proposed that the minimum age for children in day care be 12 weeks to reflect the needs of both the child and family and to allow parent-child relationships to be established.

Full time day care centres are most frequently used by families in which the parents are working or attending school or in which there are some special medical or social needs which would necessitate the use of day care services on a regular basis.

Full time day care centres most frequently operate from 10 to 12 hours per day, but where special requirements are met a centre could be licensed to operate during evening and overnight periods.

Preschool Day Care Centre - Part Time

Part time preschool day care centres (or nursery schools) provide care for the same number and ages of children as full time centres, but for less than 4 consecutive hours per day.

Parents who choose part time day care usually do so for the program of activities offered for their children. In most instances this type of

care does not represent what parents would use as their primary form of child care if they were employed or students.

School Age Day Care Centre

A school age day care centre (i.e. noon and after school centre) provides care for more than 8 children from kindergarten through 12 years of age. The service is most often utilized by families in which the parents are working or attending school. Children could attend the centre during before school, noon hour, after school, inservice and holiday periods.

Occasional Day Care Centre

Occasional day care centres provide care for the same numbers and ages of children as do preschool and school age centres, but on a casual or intermittent basis. Although not presently licensed, this type of care is evolving as a new form of day care for which a special class of licence is needed. Sports clubs and shopping centres are two areas in which a need for occasional child care facilities has been demonstrated.

The licensing requirements for these centres would reflect the irregularity of care provided to children, although a centre may be open up to 12 hours per day. Any child attending an occasional day care centre may attend up to 8 hours per week. Should the demand for care for children exceed this requirement, the occasional day care centre would require either a preschool or school age day care centre licence.

Family Day Care Home

Family day care refers to the care of children in a licensed family home in which there are no more than 8 children between 12 weeks and 12 years of age, of which no more than 5 children are less than 6 years of age and no more than 3 children are less than 2 years of age, including the provider's own children in each age category.

This type of in-home care is chosen by parents for either full or part time care, but is most often used by parents who are working or attending school.

Group Day Care Home

Group day care homes provide care for up to 12 children by two adults in the home of one of the two licensed individuals. Of the group of children, no more than 3 may be less than 2 years of age. The total number of children includes any children of the two providers who are cared for in the group day care home.

This type of day care may be offered on a full or part time basis. It may be especially beneficial in communities which do not have adequate facilities for day care centres, but in which individuals are willing to allow their homes to be used as day care settings.

Private Home

Private home day care refers to the care of up to 4 Day Care children less than 12 years of age in a private home of whom no more than 2 are less than 2 years of age, and includes the provider's own children. No licence is required for such a service, but an individual may choose to apply for a special class of licence.

SUMMARY OF TYPES OF DAY CARE FACILITIES

TYPE OF FACILITY	NUMBER OF CHILDREN IN EACH LICENSED FACILITY BY AGE		
	LESS THAN 2 YEARS	2 TO 5 YEARS	6 TO 12 YEARS
Preschool day care centre - full time	more than 3	more than 5	N/A
Preschool day care centre - part time	more than 3	more than 5	N/A
School age day care centre	N/A	N/A	more than 8
Occasional day care centre	more than 3	more than 5	more than 8
Family day care home	up to 3	up to 5	up to 8
		maximum total of 8	
Group day care home	up to 3	up to 12	up to 12
		maximum total of 12	
Private home day care (licence optional)	up to 2	up to 4	up to 4
		maximum total of 4	

III LICENSING STANDARDS

Introduction

Licensing standards have been identified for all aspects of each type of day care facility operation, and each section will be presented according to the following format:

- o standard
- o commentary relevant to the standard, including a reference to existing requirements.

The most comprehensive regulations will be for full time preschool day care centres, with varying degrees of flexibility for other types of care. For some areas a period of time is identified to allow facilities to comply with the requirement.

A. STANDARDS FOR PRESCHOOL AND SCHOOL AGE DAY CARE CENTRES

1. LICENCE APPLICATION

Standard

An individual or organization applying for a licence should submit the following:

- a written statement of the program to be provided, including program philosophy, goals and objectives, discipline policies, proposed equipment, staff schedule, daily activities, means of involving parents in the day care centre, and enrollment policies;
- a copy of the floor plan of the day care centre;
- written approval by the fire safety or building standards authority of standards for fire safety and fire prevention and availability of fire protection equipment;
- written approval by the health authority of standards for sanitation, lighting, heating, plumbing, ventilation and water supply;
- written approval from the appropriate municipal zoning authority;
- two personal references for the centre director; and
- an emergency evacuation plan.

Day care centres which are funded by the Province now have parent-elected boards of directors or meet management committee requirements. All other full time day care centres should establish a parent advisory committee to the centre's management.

Commentary

Both the City of Winnipeg and Provincial legislation request most of these reports. The City of Winnipeg requirement for a police character certificate for the centre director is

replaced by personal references. The Provincial regulation which requires a reference for the director from the municipality is replaced by a requirement for municipal zoning approval, a condition of licensing for all Winnipeg centres at the present time.

The inclusion of a program statement would provide parents with a description of the underlying philosophy of the day care centre and a basis from which they may observe, select and evaluate the day care centre's operation and its impact on their children.

The parent advisory committee would ensure that parents have the opportunity to contribute to the centre's operation, whether or not the centre is in receipt of provincial funds.

2. LICENCE RENEWAL

Standard

A licence is renewable after submission of an updated statement of the centre's program goals and objectives, updated fire and health safety reports and continued compliance with day care regulations.

Commentary

Both the City of Winnipeg and the Province require compliance with annual fire and health inspections as a condition of relicensing.

It is important for the program summary to be reviewed annually because it represents the basis for a day care centre's operation.

3. RECORD KEEPING

Standard

A day care centre should keep up-to-date records of staff medicals and child information for each child enrolled, including necessary and relevant child, family and medical information.

Daily attendance reports should be maintained.

All child and family information concerning personal and financial matters should be kept in strict confidence, but should be available to the parent or guardian upon request.

The day care centre should obtain written permission from the parent or guardian before any research project is carried out by the centre or an external organization.

The day care centre should maintain financial records in an acceptable accounting format.

Liability insurance coverage should be obtained for staff and children, including coverage for excursions away from the day care centre and business vehicle liability insurance where necessary.

Commentary

General enrolment information is required in both Provincial and City of Winnipeg legislation. The additional information which has been included represents common practice in most day care centres. It is important that it be included in the event of emergencies, either on or off the site of the day care centre.

4. STAFF TRAINING REQUIREMENTS

Standard

DEFINITIONS

Day care staff will be identified as Aides or as Child Care Workers I, II or III according to the following definitions:

Child Care Aide: less than grade XII education.

Child Care Worker I: (C.C.W. I) grade XII education is complete, but no formal child care training has been undertaken, or training for level II or III is incomplete.

Child Care Worker II: (C.C.W. II) either a community college or university extension certif-

icate in areas relevant to the ages and needs of children for which a day care centre is licensed.

Child Care Worker III: (C.C.W. III) either a university degree or community college diploma with specialization in areas relevant to the ages and needs of children for which a day care centre is licensed.

DIRECTORS

For the purpose of day care regulations, the director is the person assigned responsibility for ensuring that day care regulations are followed in a centre, with particular reference to areas relating to children's activities and staff.

Within 5 years of the introduction of regulations, all directors of full time preschool centres should be C.C.W. III's, and have at least one year's experience working with children in day care or in a related setting.

Witnin 5 years of the introduction of regulations, all directors of part time preschool and school age day care centres should be C.C.W. II's or III's, and have at least one year's experience working with children in day care or in a related setting.

Five years after the introduction of regulations, a day care centre which demonstrates it is unable to recruit a director at the required level may hire at the next child care worker level.

CHILD CARE WORKERS

In each full time preschool centre, at least one third of the total number of staff who care for children should be C.C.W. II's or III's within 3 years after regulations are introduced. Within 5 years two thirds of all staff should be at these levels.

In a part time preschool or school age day care centre, at least one quarter of the total number of staff who care for children should be C.C.W.

II's or III's within 3 years after the regulations are introduced. Within 5 years at least one half should be at these levels.

In addition, at least one staff per group of children must be at the C.C.W. II or III level within 5 years.

All staff in a day care centre should have completed a recognized first aid course within 12 months of the introduction of the regulations, and any new staff should be required to provide evidence of successful completion of the course within 6 months of employment. All staff should maintain updated credentials in the area of first aid training.

Commentary

City of Winnipeg regulations require child care workers to have a minumum of grade 11 education and have "training in child development, nursery school methods, and experience and personality suitable for carrying out a day nursery program." Directors must be "fit and competent ... and [indicate] satisfactory training in child development, experience, administrative ability and personality suitable for this particular type of service. A Supervisor must be capable of training other staff members."[1] Where children under 2 years of age are cared for, at least one Registered Nurse must be on duty.

It is generally agreed that the most important factor in determining whether a day care setting is a positive one for young children is the quality of the people who work with the children. The basic requirements are most often that staff be warm and caring individuals who are respectful of young children. However, these important qualities cannot stand alone when children are cared for in groups and by a number of different adults. Training in specific areas of child development is important to ensure that any activities provided for the children are

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1 The City of Winnipeg, License By-law No. 260/72, Clause 47 (14)(a) and (b).

appropriate and promote development. This training generally also helps staff better understand their impact on children's growth and development.

A recent major study of day care examined a number of factors of preschool day care centre operations to determine whether they had any impact on the quality of care the children received.[2] The study found that when care-givers had specific child-related training, they were more likely to spend time interacting socially with the children rather than by correcting misbehaviour or directing play activities. Children whose development was assessed in a variety of tests and observations were generally found to make significantly more improvements when cared for by staff with child care training.

However, staff training requirements represent only one way in which qualifications can be measured; the competency of individuals working with children should also be assessed. Day care for children involves a broad range of competencies for which there is not consensus among parents, day care workers and other concerned professionals. While one cannot expect an individual to be competent in every area, it may be reasonable to expect that the total group of staff in a centre is competent in areas defined by the centre's board or management. Responsibility for ensuring that the total group of staff (both those with and without the required training) possess the desired competencies should be an area for which parents or parent-elected boards of directors should assume the major responsibility.

The introduction of new staff training requirements is expected to be flexible with a phasing-in period which should:

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2 Abt Associates, Children at the Center: Final Report of the National Day Care Study, Cambridge, Mass., 1979.

- allow staff now working in day care centres to upgrade their qualifications where necessary;

- encourage and allow for the development of full time and extension training programs in locations in which they are not now available; and

- allow for time to introduce a variety of new training programs to meet the needs of isolated areas, e.g. correspondence and short term courses.

As part of the consultative process, it is important to collect accurate information about the training of staff presently employed in day care centres in relation to the proposed requirements. Therefore, a brief survey will be conducted of all licensed centres during this period.

5. SUPERVISION (STAFF-CHILD RATIOS AND GROUP SIZES)

Standard

DEFINITIONS

The staff-child ratio refers to the maximum number of children which should be cared for by one individual. The calculation of this ratio is based on the maximum number of children in attendance for which a staff person is responsible at any time during the day.

The size of groups in which children receive care may be defined as the maximum number of children to which a child can relate at one time. This refers to social groupings in which children move freely in an open space, but in which no group activities are provided for a greater number of children than the maximum group size. In part time preschool centres, the maximum group size should apply to 75% of the centre's operating hours.

The room size refers to physically separate spaces defined by walls, dividers or partitions.

The maximum number of children which may be cared for in a room should not exceed two times the group size.

REQUIREMENTS

Day care centres which care for mixed age groupings should provide for staff-child ratios and group sizes which do not exceed the following:

Age of Child	Staff-Child Ratio	Maximum Group Size
12 wks - 2 yrs	1:4	8
2 yrs - 6 yrs	1:8	16
6 yrs -12 yrs	1:15	30

Those day care centres which provide care in separate age groupings should provide staff-child ratios and group sizes which do not exceed the following:

Age of Child	Staff-Child Ratio	Maximum Group Size
12 wks - 1 yr	1:3	6
1 yr - 2 yrs	1:4	8
2 yrs - 3 yrs	1:6	12
3 yrs - 5 yrs	1:9	18
5 yrs - 6 yrs	1:10	20
6 yrs -12 yrs	1:15	30

In preschool and school age centres, there should be 2 or more adults on the premises at all times or the staff-child ratio should be maintained, whichever is the greater number of staff.

During sleep periods the staff-child ratio may decrease by 50%, e.g. if the ratio is normally 1:6, at nap time it may be 1:9.

In full time preschool centres, volunteers should not be included in the staff-child ratio.

Volunteers who assist in part time and school age centres may be considered as one half staff person in the calculation of staff-child ratios.

A day care centre which cares for children less than 2 years of age who are not able to walk ind-

ependently should provide a separate room for these children at all times during the day. In a full time day care centre there should be a maximum of 2 hours per day for arrival and departure which does not require separate play space for these children.

Where children less than 6 years of age (with the exception of children enrolled in kindergarten) are cared for with children over 6 years of age, there should be provision for separate play space for specified time periods throughout the day.

Children should be supervised at all times by staff who are over 18 years of age.

Commentary

Preschool day care centres now in operation provide a working ratio of approximately 1:8 in full time care and 1:10 in part time care. No standards are specified for group size. The City of Winnipeg requires a separate room for the care of infants.

Although group size is a relatively recent concept in day care, classroom size and its impact on children's learning in the school system has been discussed for a number of years. Studies of school age children and the recent comprehensive National Day Care Study in the United States have demonstrated that quality is improved when children are cared for in small groups, but deteriorates when the group size increases. Ratios within the levels proposed for the regulations have been shown to be secondary to the group size factor in terms of benefits to children.

Children will spontaneously form considerably smaller social groups than the maximum group sizes specified. The introduction of the regulation is not intended to interfere with this process but rather to define the upper size limit in terms of adult organization of play.

The experience of day care centres operating within the Manitoba Child Day Care Program indicates that both the physical and developmental needs of infants are best met when

they are cared for in separate groups and spaces. The standards reflect this practice.

School age and preschool children may be cared for together effectively as long as some space separation is provided during the day. Mixed age groups will require approval for staff-child ratios and group sizes depending upon the number and ages of children in care.

The impact of the group size standard will also be examined by means of a survey during the consultation process to determine the nature of groupings of children in existing day care centres and their relationship to the standard.

6. SPACE

Standard

Within 3 years of the introduction of regulations, a day care centre should provide a minimum of 3.3 square meters (35.5 square feet) of free and useable indoor floor area per licensed space which does not include hallways, washrooms, food preparation area, social isolation, storage space, or other space not used by the children for play, and which is for the exclusive use of the day care centre during its hours of operation.

A full time preschool day care centre should provide a sleeping space which is not used for play activity while any child is sleeping, but which may be part of the indoor play space.

Within 3 years of the introduction of regulations, full time preschool centres should provide or have safe access to outdoor play space within 200 meters (approximately 1 city block). This play area should provide for a minimum of 7 square meters (75 square feet) per child, and accommodate the greater of (a) 50% of the licensed spaces, or (b) 55 square meters (600 square feet). School age day care centres should also provide this outdoor space but it may be within 400 meters (approximately 2 city blocks).

A day care centre should not be located above the second storey unless special approval is given by the fire authority.

All day care centres should provide ventilation and natural lighting in each playroom as required by the health authority.

Any day care centre which is licensed after the introduction of regulations should be licensed for a maximum of 70 spaces per site.

Commentary

The proposed standard increases the available indoor play space from 25 to 35 square feet per child. The existing standard for children less than 2 years of age in the City of Winnipeg is 35 square feet per child. There is presently no requirement for outdoor play space for non-Winnipeg preschool centres and noon and after school centres. However, the 75 square feet standard for outdoor play space is consistent with the City of Winnipeg License By-Law No. 260/72.

An increase in the amount of play space to the stated level will have an effect on approximately 35 -40% of existing centres in the Province, with a net reduction in these centres by less than 5% of their licensed spaces.

Approximately 5% of full time and school age day care centres in operation do not have the required outdoor play area.

7. DAILY PROGRAM

Standard

A day care centre should provide a daily program which:

- is consistent with the centre's goals and objectives;
- is posted with the staff schedule;
- allows for indoor activity in small groups with a balance of individual and

group, active and quiet, large and small muscle, cognitive and social play and child-initiated and adult-directed activities; and

- o eating, sleeping and toileting in accordance with each child's needs.

Full time preschool and school age centres should provide outdoor play on a daily basis unless directions from the parent or family physician prohibit it. In conditions of severe wind chill (more than 1600 watts per square meter) or low temperatures (below 25° celsius), outdoor play is optional.

If a day care centre enrolls children with handicaps or special needs, it should provide for the integration of these children into the regular daily program.

When a day care centre provides transportation, children should be seated safely with the use of seat belts or CSA-approved car seats when the vehicle is in motion.

Commentary

The City of Winnipeg requires that a daily time-table be established, and requires a two hour outdoor play period and one hour rest period for children attending a full day. The revised standard allows greater flexibility to ensure that the specific needs of individual children are met.

8. BEHAVIOUR MANAGEMENT

Standard

Day care centres should develop behaviour management policies and post and circulate them for the information of parents. Staff should be instructed as to the policies in effect at the day care centre.

The policies should indicate a positive approach to discipline, and in particular prohibit any form of physical punishment, verbal or emotional

abuse or denial of necessities.

If a centre uses a room or space for the purpose of social isolation, it should be a least 3.3 square meters in size and comfortably furnished for a child. Policies for its use, including time limits that reflect the child's developmental stage, should be posted adjacent to the room. No room should be locked, and the separation period should be supervised.

Any case of suspected child abuse must be reported immediately as required by The Child Welfare Act.

Commentary

No policies regarding discipline are in place in either the City of Winnipeg or Provincial day care legislation.

While the proposed standard prohibits specific forms of discipline, centres should identify the practices which they choose to use for positive approaches to behaviour management. These practices should relate to the centre's goals and objectives and to other aspects of its program which contribute to children's growth and development.

9. FURNISHINGS

Standard

All day care centres should provide a telephone in working order on the premises of the day care centre.

Tables and chairs of a size suitable to the ages and needs of children enrolled should be provided. There should be at least one chair for each child in attendance.

High chairs or infant seats with safety harnesses should be provided for children not able to sit independently on a chair.

A separate playpen or crib which complies with the requirements of The Hazardous Products Act

(Canada) and of the fire and health authorities should be provided for each child less than 18 months of age in attendance.

For each child 18 months to 6 years of age in attendance at a full time preschool centre, there should be a cot or sleeping mat provided.

A day care centre should ensure that sanitary coverings for warmth are provided for each child while resting or sleeping.

Individual cubicles or lockers for the use of no more than 2 children at one time should be provided for the storage of children's personal effects. They should be accessible to the children and allow each child's belongings to be separated from those of other children.

A day care centre should provide one flush toilet and one washbasin with running water for each group of 10 children, either within the day care centre or within reasonable access in the same site. Where 3 or more toilets are required, one of the toilets may be a urinal.

Where necessary, special toilet or washroom arrangements should be provided for handicapped children.

If a day care centre is licensed to care for children over 6 years of age, separate washrooms for males and females should be provided, either in or within reasonable access to the centre. Where 2 or more toilets for males are required, one of these may be a urinal.

A day care centre should provide training chairs and seats in the washroom area for all children who require them.

A day care centre should provide diapering facilities for all children who require them.

Children should have access to a supply of drinking water. Disposable or separate cups should be maintained in a manner acceptable to the health authority.

Commentary

Provincial regulations presently require separate drinkings cups, a supply of drinking water and one toilet and one washbasin for every 15 children.

City of Winnipeg legislation requires storage space for children's clothing, cots or mats for sleeping purposes, sheets and blankets, one toilet and one washbasin for every 10 children, and separate cribs and bedding for each child.

The most significant variation from existing licensing requirements is in the area of toilets and washbasins. Although the requirement is presently 1:10 for Winnipeg centres, non-Winnipeg centres would be required to increase the number of toilets and washbasins by 50%. This would affect from 40 to 55% of the existing centres in rural areas. For some of these centres there may not be space for additional plumbing, or the addition of toilets and washbasins would require a decrease in the number of licensed spaces. A waiver could be considered in such circumstances. A 3 year lead-in period would be allowed to permit the necessary renovations in existing centres.

10. PROGRAM EQUIPMENT

Standard

All equipment used by children in a day care centre should be:

- appropriate to the ages of children in attendance in the centre;
- in good repair;
- in compliance with the requirements of The Hazardous Products Act (Canada);
- available in sufficient quantity and variety to occupy all children in attendance; and
- accessible to the children.

Where necessary for the inclusion of handicapped children into the program, special equipment should be provided.

A day care centre should arrange its equipment for the use of children in a manner which facilitates small group interaction in areas free from interference and interruption. It should also include space for regular play activities, such as:

- o housekeeping/dramatic activity, with representations of home and community environments;
- o table toy activity, with play materials requiring fine motor control, such as puzzles, pegboards and matching games;
- o block activity, with a variety of sizes of blocks;
- o creative play activity, with a variety of materials such as paint, crayons, paste and scissors;
- o quiet activity, with a variety of reading materials;
- o indoor large muscle activity, such as climbing, running and jumping;
- o water and sand activity;
- o music activity, with instruments for musical and rhythmic expression;
- o nature activity, with living things and science experimentation; and
- o construction activity, with tools and building materials.

Commentary

The City of Winnipeg requires that there be "sufficient educational and recreational equipment appropriate to the stage of development of the children under care and designed to foster physical and motor development and creative

play."[3] No provincial legislation exists for this area of day care centre operation.

All preschool and school age day care centres have the responsibility for providing children with basic supervision and enriching experiences. Competent staff who are familiar with day care programming now provide the range of experiences suggested in the standard. The variety of activities, types of materials and the regularity of their use will depend upon the unique characteristics of each day care centre. Therefore, the activity areas are not suggested as a fixed organization for any day care centre to follow. The underlying concept for the standard is that the planning of play experiences and the provision of equipment should be carried out in relation to each centre's goals and objectives.

11. HEALTH

Standard

A day care centre and its equipment should be maintained in a clean and sanitary condition and in accordance with The Hazardous Products Act (Canada).

All medicine and poisonous or flammable substances should be labelled and stored in a designated area inaccessible to children.

Clothing, bedding and grooming materials should not be exchanged among children and should be stored in a manner acceptable to the health authority. Bedding materials should be washed weekly, or more frequently if soiled.

If animals are maintained in a day care centre, evidence of protection against rabies should be

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3 The City of Winnipeg License By-Law No. 260/72, Clause 47 (14)(j).

provided for those animals capable of transmitting the disease.

Smoking should be prohibited in the presence of any child in the day care centre.

The drinking of hot beverages should be prohibited in areas in which children are engaged in play activities.

Where a diapering area is provided, procedures should be developed for its use, including access to running water, daily disinfecting and a clean or disposable cover for each child and each use. The area should be separated from the food preparation area.

Staff should wash their hands before and after each diaper changing and toileting routine.

Soiled diapers should be stored in a manner acceptable to the health authority, and be removed from the centre daily.

A day care centre caring for children less than 18 months of age should provide bathing facilities.

A day care centre should provide and maintain a first aid kit in a location which is inaccessible to children.

A day care centre should administer patent or prescribed medicine only with written permission from the parent. The centre should keep records of its use, including the type of medication, time of administration and signature of the staff person who administered it. All patent medicine should be supplied in the original container by the child's parent.

All medicine should be labelled with the child's name, expiry date, dosage, time and method of administration and should be stored in a manner acceptable to the health authority.

A day care centre should notify the day care program or public health authority within 24 hours of the outbreak of a communicable disease

or occurrence of a serious injury. Parents should be informed immediately.

A child suffering from a communicable disease or acute illness should not attend the day care centre during the incubation period prescribed by the health authority.

Commentary

Provincial legislation requires that notice be given to parents and the licensing authority of the outbreak of a communicable disease. City of Winnipeg legislation identifies standards for communicable disease, injury, daily health inspection, general sanitation, personal care articles and first aid supplies.

The care of children in small groups requires that efforts be made to ensure their good health. The standards represent the procedures in place in those day care centres which have successfully established policies for health protection. Public health officials may designate responsibility for certain areas of The Public Health Act to public health nurses or inspectors. These individuals in turn may require further and more specific measures to be taken in a day care centre depending upon the condition of the centre and the needs of the children enrolled.

12. NUTRITION

Standard

A day care centre should ensure that meals and snacks provided by the parent or the day care centre are of a quality and quantity which will supplement the food served at home and provide for a child's daily nutritional needs in accordance with the Canadian Dietary Standards. The food provided should also recognize the child's age, food preferences, cultural and religious background.

Where meals are provided by the day care centre, the centre should ensure that the individual responsible for menu planning and meal prepar-

ation has knowledge of children's nutritional needs, food preparation methods and food handling practices. Evidence of good health and a mantoux test at the time of hiring and as required by the health authority thereafter should also be provided. Provision should be made for continuing consultation with a qualified nutritionist or home economist and health authority.

Where meals or snacks are supplied by parents, a day care centre should make nutritional information available to parents.

Where meals or snacks are supplied by the day care centre, written menus should be prepared at least one week in advance, posted in a conspicuous location and maintained on file for a period of one year.

All health regulations and guidelines relating to food storage, food preparation and sanitary precautions should be maintained to the satisfaction of the health authority.

Where necessary, parents of children with special diets or feeding circumstances, such as infants, children with food allergies or physical handicaps should provide the centre with written instructions.

Children not able to hold their own bottles should be held by an adult during feeding, without the use of bottle-propping.

Commentary

City of Winnipeg legislation requires full time day care centres to provide nutritious snacks, a hot mid-day meal, milk and menus.

Although the existing legislation requires full time Winnipeg centres to provide a meal, only one third are doing so at the present time. Of the rural full time centres, approximately 40% are providing the mid-day meal. In the remaining centres, no meals are provided, or lunch supplements or one meal per week are provided by the centre. The reasons for such variations relate to the cost of providing the food, the availability of space and appropriate food prepar-

ation materials in a kitchen, the necessity for a cook and parent preferences.

Because of these variations, both home and centre prepared lunches and snacks should be permitted in the regulations, with the additional requirement that a qualified nutritionist or home economist should monitor the quality of food provided. Centres should be encouraged to provide snacks and meals wherever possible.

13. EMERGENCY PROCEDURES

Standard

Emergency telephone numbers and procedures should be posted, and evacuation procedures made known to all staff and parents of children enrolled in the day care centre.

Fire extinguishers of a size and class approved by the fire authority should be installed and maintained. All staff should be knowledgeable about the use of fire extinguishers.

Emergency evacuation procedures should be conducted monthly, with written records kept indicating the date and time of the drill and the number of staff and children evacuated.

Commentary

No requirements for emergency procedures are con ained in either Provincial or City of Winnipeg regulations.

The standard ensures that prior consideration would be given to emergency situations by day care staff, and that both parents and children would be aware of established procedures.

14. EVENING AND NIGHT CARE

Standard

A full time or school age day care centre which meets all of the previous standards may be licensed to provide care from 7 P.M. - 6 A.M. if

a need is demonstrated in a community which cannot be met through the provision of family day care.

A day care centre which provides evening or night care should not care for a child longer than 18 hours in any 24 hour period. In addition, a child should not be admitted after 9 P.M., or discharged from the day care centre between the hours of midnight and 7 A.M.

Any child cared for in a day care centre after the hour of 9 P.M. should be provided with a separate bed or crib, depending upon the child's age, which meets the requirements for residential care facilities and The Hazardous Products Act (Canada).

Mattresses, pillows and coverings of a suitable and comfortable nature should be provided for each child and should not be exchanged among children.

If children 6 years of age and over receive evening or night care, separate rooms should be provided for males and females.

Staff should be awake at all times and be immediately available to children as needed during the night. One staff person should supervise only one sleeping room with a maximum of 8 children.

Children should be grouped to ensure that sleeping children are not disturbed by the arrival or departure of other children.

Facilities should be provided for all children for showering, bathing or sponge-bathing. Individually labelled washcloths, towels and toothbrushes should be provided in accordance with the requirements of the health authority.

All children should bathe individually and should be supervised while in the bathtub.

Comfortable sleeping garments should be provided for all children who have their major night's sleep at the day care centre.

An emergency evacuation plan for the evacuation of sleeping children should be posted.

Evening meals, snacks and breakfast should be provided for all children in attendance for evening or night care.

If night care is provided, the routines at bed time should be consistent with those followed by parents at home.

Where evening or night care is provided, a security alarm system should be installed.

Commentary

The City of Winnipeg prohibits day care for children from 7 P.M. to 7 A.M. While Provincial legislation does not prevent evening or night care from occuring, only 2 day care centres provide evening care at this time.

The demand for evening and night care reflects the increasing number of shift workers, many of whom are single parents unable to find consistent care in their own neighbourhoods. Where parents are not able to make appropriate arrangements in private home day care or in family day care homes, evening or night care in a day care centre will be considered. The goal of any such care is to provide each child with the same sense of privacy and security which the child would receive at home after the activities of the day.

B. STANDARDS FOR OCCASIONAL DAY CARE CENTRES

All of the standards outlined above for full time, part time and noon and after school centres would apply to occasional day care centres, with additions or exceptions to specific areas highlighted below.

1. LICENCE APPLICATION

Standard

A centre which cares for any child more than 8 hours per week would be required to obtain a full or part time group day care licence, depending on the hours of operation.

2. RECORD KEEPING

Standard

Daily attendance reports, including hours of attendance for each child should be maintained.

3. STAFF TRAINING REQUIREMENTS

Standard

The director of an occasional day care centre should be a C.C.W. I. Where infants are enrolled, staff who meet the training requirements for C.C.W. II or III should be on duty.

4. SUPERVISION (STAFF-CHILD RATIOS AND GROUP SIZES)

Standard

The maximum centre size for occasional day care centres should be 20 spaces.

5. SPACE

Standard

An occasional day care centre should not be required to provide outdoor play space.

6. PROGRAM EQUIPMENT

Standard

All equipment used by children in an occasional day care centre should be appropriate to the ages of children in attendance, in good repair, in compliance with the requirements of The Hazardous Products Act (Canada), available in sufficient quantity and variety to occupy all children in attendance and easily accessible to the children.

Commentary

A child cared for in an occasional day care centre could attend for a maximum of 8 hours per week. This type of child care is intended to be supplementary to allow parents the opportunity to meet a short term need. Children will not normally experience a regular or consistent grouping of children as the number and ages of children will vary during different periods of attendance. It is not practical for staff training requirements to be as stringent as for other day care centres. Because of these factors, the maximum number of children in an occasional day care centre is restricted to 20, and the staff-child ratios remain the same as for other types of day care centres.

C. STANDARDS FOR FAMILY DAY CARE HOMES

1. GENERAL LICENSING REQUIREMENTS

Standard

A licence for family day care would require the following:

- o two personal references concerning ability to care for children;
- o written evidence of good health;
- o a safety inspection of the home indicating acceptable standards for fire, health and general safety precautions;
- o where necessary, evidence that the provider is over 18 years of age; and
- o a personal assessment of the provider, including willingness to participate in orientation and in-service training programs.

2. LICENCE RENEWAL

Standard

A licence would be renewable after an updated safety inspection of the home, a positive personal assessment of the provider, and annual in-service training requirements have been completed.

3. RECORD KEEPING

Standard

A family day care provider should keep and maintain up-to-date records for each child enrolled, including necessary and relevant child, family and medical information.

Daily attendance reports should be maintained.

All child and family information concerning personal and financial matters should be kept in strict confidence, but should be available to the parent or guardian upon request.

The family day care provider should obtain written permission from the parent or guardian before any research project is carried out by an external organization.

The family day care provider would be considered as self-employed, and should maintain records of income and expenses.

Liability insurance coverage should be obtained for children, including coverage for excursions away from the family day care home and business vehicle liability insurance where necessary.

Commentary

The specific information which has been included represents common practice in most family day care homes. Although family day care is viewed by some as a more informal type of care because of the smaller group of children, this feature does not preclude the need for essential information for record keeping and emergency procedures.

4. PROVIDER TRAINING

Standard

Family day care providers should be assessed by day care program staff in the areas of knowledge of children's development; experience with young children; availability and suitability of equipment, materials and areas for the children's play; support of the provider's family members; and ability to care for a specified age group of children.

All family day care providers should complete an orientation program prior to or within 3 months of licensing. In addition, all providers should participate in two in-service programs per year

provided by or approved by the day care program. Orientation and in-service programs will provide information on child and family development, organizing and providing for children's play, communication skills, management, safety, nutrition and health as each of these areas relates to the provision of family day care.

All family day care providers should complete a recognized first aid course within 12 months of the introduction of regulations. A provider licensed after the introduction of regulations should complete the course within 6 months of licensing.

Commentary

Family day care providers are now assessed at the time of licensing and annually thereafter. There is presently no requirement for first aid training.

The family day care program draws upon individuals who have had successful experiences with children and who wish to provide day care in a family setting. For these reasons, it is more appropriate to assess competencies than to define a specific educational requirement for licensing. However, as is now the case, workshops, meetings and short courses would continue to be made available and providers would be encouraged to take courses in areas relevant to their family day care program to ensure continued licensing.

5. SUPERVISION

Standard

Children should not be left unsupervised at any time.

A substitute provider should be available when the family day care provider is unable to care for children for emergency or short term purposes. The provider should maintain a record of these times and advise parents of such occurrences.

6. SPACE

Standard

A family day care provider should provide indoor play space suitable to the number, ages and needs of children enrolled.

A family day care provider should provide safe outdoor play space.

Commentary

It is not possible to identify a specific amount of space required to provide family day care in a home due to various room layouts and amounts and arrangements of furniture. Many parts of the home may be used for specific activities at various times of the day (e.g. a spare mattress in a bedroom for jumping and tumbling, the bath-tub for water play), and these uses would be considered in relation to the total amount of available space and the manner in which it can be supervised.

7. DAILY PROGRAM

Standard

A family day care provider should provide indoor activity which allows for a balance of active and quiet times, an opportunity to work both independently and co-operatively in small groups, and eating, sleeping and toileting in accordance with each child's needs.

Outdoor play should be provided on a regular basis unless directions from the parent or family physician prohibit it. In conditions of severe wind chill (more than 1600 watts per square meter) or low temperatures (below 25° celsius), outdoor play is optional.

If a family day care provider transports children, they should be seated safely with the use of seat belts or CSA-approved car seats when the vehicle is in motion.

8. BEHAVIOUR MANAGEMENT

Standard

Behaviour management policies should be developed which indicate a positive approach to discipline, and in particular prohibit any form of physical punishment, verbal or emotional abuse or denial of necessities.

Parents should be informed of the family day care provider's policies upon enrolment of children in the home.

Any case of suspected child abuse must be reported immediately, as required by The Child Welfare Act.

Commentary

It is especially important for policies to be established for the area of behaviour management since many parents who use a form of corporal punishment acceptable in their own home may authorize the provider to do the same. The proposed regulations prohibit an individual who is not the child's parent from making such a decision or from following through a parent's request for this form of discipline.

9. FURNISHINGS

Standard

A family day care provider should provide a telephone in working order, with a listed telephone number.

High chairs or infant seats with safety harnesses should be provided for children not able to sit independently on a chair.

A family day care provider should provide separate sleeping accommodation which is safe and sanitary for each child 18 months to 6 years of age in attendance.

A separate playpen or crib which complies with the requirements of The Hazardous Products Act (Canada) should be provided for each child in

attendance who is less than 18 months of age.

A family day care provider should ensure that sanitary coverings for warmth are provided for each child while resting or sleeping.

A family day care provider should provide training chairs and seats, and diapering facilities for all children who require them.

A family day care provider should have a minimum of one toilet and one washbasin with running water.

Commentary

The proposed standards represent common practice in family day care homes. Many of the recommendations are now included in the annual safety inspection.

10. PROGRAM EQUIPMENT

Standard

Family day care providers should provide a variety of play equipment and materials appropriate to the ages of children enrolled. The equipment should be in good repair, free from sharp, loose or pointed parts, comply with the requirements of The Hazardous Products Act (Canada), and be of a size which permits independent and safe use by children. There should be a sufficient quantity to occupy all children in attendance.

Commentary

A variety of appropriate materials will enhance children's daily experiences when provided by a competent family day care provider.

11. HEALTH

Standard

A family day care home, property and equipment should be maintained in a clean and sanitary condition and in accordance with The Hazardous

Products Act (Canada).

All medicine, poisonous and flammable substances should be labelled and stored in a designated area inaccessible to children.

Clothing, bedding and grooming materials should not be exchanged among children.

If the family day care provider maintains animals in the family day care home, evidence of protection against rabies should be provided for those animals capable of transmitting the disease.

Soiled diapers should be stored in a manner acceptable to the health authority, and be removed from the home daily.

A family day care provider should provide and maintain a first aid kit in a location which is inaccessible to children.

A family day care provider should administer patent or prescribed medicine only with written permission from the parent. Written records should be kept of its use, including the type of medication and time of administration. All patent medicine should be supplied in the original container by the child's parent.

All medicine should be labelled with the child's name, expiry date, dosage, time and method of administration and should be suitably stored.

A family day care provider should notify the day care program within 24 hours of the outbreak of a communicable disease, or the occurrence of a serious injury. Parents must be informed immediately.

A child suffering from a communicable disease or acute illness should not attend the family day care home during the incubation period prescribed by the health authority.

12. NUTRITION

Standard

A family day care provider should ensure that meals and snacks are provided which are of a quality and quantity which will supplement food served at home and provide for a child's daily nutritional needs in accordance with the Canadian Dietary Standards. The food provided should also recognize the child's age, food preferences and cultural and religious background.

Meals and snacks should be posted daily for the information of parents.

Parents of children with special diets or feeding circumstances, such as infants and children with food allergies or physical handicaps, should provide the family day care provider with written instructions.

Children not able to hold their own bottles should be held by an adult during feedings, without the use of bottle-propping.

Children not capable of feeding themselves should be seated in chairs or seats suitable for the purpose.

13. EMERGENCY PROCEDURES

Standard

Emergency telephone numbers and procedures should be posted in a visible location in the family day care home.

A minimum of one 5 lb. ABC type dry chemical fire extinguisher should be installed in or near the kitchen area. The provider should be familiar with the operation and maintenance of the fire extinguisher, and with orderly evacuation procedures.

A minimum of one ULC - approved smoke detector for each floor in the family day care provider's home should be installed.

Commentary

Fire extinguishers are presently a condition of licensing.

The other proposed standards ensure that prior consideration is given to emergency situations by family day care providers.

D. STANDARDS FOR GROUP DAY CARE HOMES

The standards for day care centres should apply to group day care homes, with additions or exceptions identified below.

1. STAFF TRAINING REQUIREMENTS

Standard

An individual licensed to direct a group day care home should be assessed by day care program staff for knowledge, ability and experience in providing care for young children. Pre-service and in-service training should be required for group day care home providers, as defined for family day care providers.

2. SUPERVISION

Standard

Children should be supervised at all times. When the number or ages of children exceed that defined for family day care, a second adult must also provide care for children.

3. SPACE

Standard

A group day care home should provide a minimum of 3.3 square meters (35.5 square feet) of indoor floor area per licensed space which is regularly used for children's activities. Space in the home used for one acitivity, e.g. bedrooms for napping, should not be included in the space available for children's play.

A group day care home should provide an enclosed outdoor play space of a minimum of 7 square meters per child.

A group day care home could be located on the first floor of a dwelling, and on the second with the approval of the fire authority. Children's play should not occur exclusively in basement areas.

4. FURNISHINGS

Standard

The standards for furnishings for day care centres should apply to group day care homes, with the exception of requirements for toilets and washbasins.

In a group day care home there should be a minimum of one toilet and one washbasin so that children's needs can be met quickly and safely.

Commentary

Legislation for group day care homes was introduced for the first time in 1982. The existing requirements include inspections for fire and health safety, medical reports, personal references, staffing, daily activity outline, parent involvement and assessment of the applicant.

The group day care home concept is new to Manitoba and to Canada. It represents a combination of a family day care home and a day care centre. This type of facility may encourage day care on a small scale in areas not able to support a day care centre because of difficulties obtaining suitable accommodation or sufficient numbers of children.

E. STANDARDS FOR PRIVATE HOME DAY CARE

A private home day care licence is an optional one which would be issued upon compliance with all the standards outlined for family day care.

F. STANDARDS FOR THE CARE OF SPECIAL NEEDS CHILDREN

Throughout the proposed standards, general references have been made to the inclusion of handicapped children in day care facilities. Many children with assessed mental, physical or developmental handicaps could benefit from care in a group of non-handicapped children. Such experiences are important for both handicapped and non-handicapped children so that each may form positive relationships with the other.

Specific requirements for equipment, furnishings or staff have not been included because of the range of needs among this special group of children. The proposed regulations should encourage referring agencies to work closely with day care providers to provide the most effective environment for each child cared for in a day care facility.

The underlying philosophy of the day care program is that wherever possible children with special needs should be integrated into regular day care settings rather than be in segregated environments, and that the proportion of special needs children in a day care facility should be monitored.

IV CONCLUSION

The Consultative Process and the Implementation of Day Care Standards

The standards included in this Consultation Paper represent a basis for discussion by concerned community members. A series of public meetings will be held throughout Manitoba to ensure that representations from individuals and groups are received and discussed. At the conclusion of this consultative process, regulations will be finalized for the licensing of all types of day care facilities included in The Community Child Day Care Standards Act.

Enforcement of Day Care Standards

The impact any revised day care standards may have on the care children receive in day care facilities will depend upon the shared efforts of parents, day care workers and Provincial licensing officials.

Provincial licensing of day care facilities would be co-ordinated through the Child Day Care Program to ensure the consistent application of day care licensing regulations.

Public health nurses and inspectors for fire, health, and building concerns would remain involved in the monitoring of relevant sections of the day care regulations. The most significant departure from existing practice would be the inclusion of day care professionals in the co-ordination and application of this licensing process.

Ongoing Process

The development of quality day care programs does not end with the introduction of day care regulations. Each parent who enrolls his/her child in a day care centre, each staff member who undertakes day care training and is employed in a day care centre, and each provider of family day care will need to become familiar with the role of day care in children's and families' lives. It is parents and day care staff who will provide the daily monitoring of day care facilities to ensure their continued compliance with day care standards. Provincial officials will assist these groups by assuming the responsbility for issuing licences to operate, and by providing support to the facilities in their efforts to provide quality care to young children.

V APPENDIX

The Community Child Day Care Standards Act

Bill 21 **CHAPTER 20**

THE COMMUNITY CHILD DAY CARE STANDARDS ACT

(Assented to June 30, 1982)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

Definitions.

1 In this Act

"appeal board" means The Social Services Advisory Committee for which provision is made in The Social Services Administration Act;

"child" means a boy or girl under 12 years of age or less but, where the regulations respecting subsidies permits subsidies to be paid in respect of persons over 12 years of age but under 13 years of age, includes such a person in respect of whom a subsidy is paid;

"day care" means the care and supervision of a child but does not include parental care or care or supervision of a child provided under the authority of any other Act of the Legislature or the care or supervision of a child in circumstances to which this Act does not apply;

"day care centre" means premises, other than a group day care home, where day care either alone or in combination with parental care is provided or offered at any time

(i) to more than 8 children, or

(ii) to more than 5 children all of whom are less than 6 years of age, or

(iii) to more than 3 children all of whom are less than 2 years of age;

"director" means the Director of Child Day Care Services designated under this Act;

"facility" means a day care centre, an occasional day care centre, a group day care home, a family day care home or premises in which private home day care is provided;

"family day care home" means premises

(i) in which day care either alone or in combination with parental care is provided or offered at any time to not more than 8 children of whom not more than 5 are less than 6 years of age and not more than 3 are less than 2 years of age, and

(ii) which is the home of the person providing or offering the day care;

"group day care home" means premises

(i) in which day care either alone or in combination with parental care is provided or offered at any time to more than 8, but not more than 12 children, of whom not more than 3 are less than 2 years of age, and

(ii) which is the home of the person or one of the persons providing or offering the day care;

"licence" means a licence issued under this Act to operate and maintain a day care centre, an occasional day care centre, a group day care home or a family day care home or to provide private home day care, as the case may be and includes an interim licence issued under section 15 and a provisional licence issued under section 16;

"licensee" means a person who holds a valid and subsisting licence;

"minister" means the member of the Executive Council charged by the Lieutenant Governor in Council with the administration of this Act;

"occasional day care centre" means a day care centre in which day care either alone or in combination with parental care is provided or offered only on a casual or intermittent basis but does not include premises in which day care is provided only in emergency circumstances;

"parental care" means the care and supervision of a child in the child's own home whether or not the care and supervision is provided by the child's parents;

"private home day care" means day care provided or offered, either alone or in combination with parental care, at any time in the home of the person providing or offering the day care to not more than 4 children, including the children of the person providing the day care and children of other persons, and of whom not more than 2 are less than 2 years of age;

"review committee" means the Day Care Staff Qualifications Review Committee established under this Act.

S.M. 1982, c. 20, s. 1.

Exemptions.

2 This Act does not apply

(a) to care and supervision of children where the persons providing the care and supervision provide the care and supervision only to their own children, grandchildren, brothers, sisters, nieces, nephews and cousins;

(b) to care and supervision of children under casual and irregular babysitting arrangements where the care and supervision is provided in the home of the child or in the home of the person providing the care and supervision;

(c) to care or supervision provided by public schools or private schools, as those expressions are defined in The Education Administration Act, to persons enrolled in the schools as pupils;

(d) to care and supervision provided by hospitals to children who are patients in the hospitals;

(e) to care and supervision provided by religious congregations to children for the purpose of providing religious training to the children while or on the same day on which religious services are conducted for members of the congregation;

(f) to care and supervision provided by organizations offering guidance, leadership, recreation and fitness programs to young members where the care and supervision is provided as part of the regular program of activities for young members;

(g) to care and supervision provided to children in camps operated for seasonal or holiday periods;

(h) to care and supervision provided by community centres to children as part of the regular program of athletic or recreational activities of the community centre; or

(i) to the extent provided in the regulations, to care and supervision provided to children by any person or class of persons exempted under the regulations.

S.M. 1982, c. 20, s. 2.

Responsibility to provide proper environment.

3(1) Every person providing day care in a facility shall provide an environment that is conducive to the health, safety and well-being of the children.

Responsibility for program activities.

3(2) Every person providing day care in a facility to children shall provide a program of activities to promote the overall development of the children including physical, social, emotional and intellectual development of the children.

S.M. 1982, c. 20, s. 3.

Access by parents.

4 Every person providing day care to children in a facility shall permit any parent of a child who is entitled to access to the child to have access to the child at any time the child is receiving day care.

S.M. 1982, c. 20, s. 4.

Designation of director.

5 The minister shall appoint a person from within the department through which this Act is administered as Director of Child Day Care Services.

S.M. 1982, c. 20, s. 5.

Licence required.

6(1) No person shall operate or maintain a day care centre, an occasional day care centre, a group day care home or a family day care home unless the person holds a valid and subsisting licence to do so issued by the director.

Licensing of private home day care.

6(2) A person who provides private home day care may apply for a licence to do so and the director may, on application, issue a licence to provide private home day care to the person providing it, but no licence is required under this Act by the person providing private home day care.

S.M. 1982, c. 20, s. 6.

No other licences required.

7 Notwithstanding any other Act of the Legislature, a person who obtains a licence under this Act to operate a day care centre, an occasional day care centre, a group day care home or a family day care home is not required to obtain any other operating permit or licence from any municipality or local government district other than a business licence issued solely for the purpose of collecting a licence fee in lieu of business tax.

S.M. 1982, c. 20, s. 7.

Applications for licence.

8 All applications for licences shall be made in writing to the director.

S.M. 1982, c. 20, s. 8.

Issue of licence.

9(1) Where the director is satisfied that an applicant for a licence and the facility in respect of which the application is made meet all the requirements and standards prescribed in the regulations in respect of the licence applied for, he may issue the licence to the applicant.

Term of licence.

9(2) Each licence shall be issued for a term not exceeding 1 year.

S.M. 1982, c. 20, s. 9.

Licences not transferable.

10 A licence is not transferable by the person named in the licence to any other person.

S.M. 1982, c. 20, s. 10.

Conditions of licence.

11(1) Each licence is subject to the conditions prescribed in the regulations in respect of that class of licence and to such other terms and conditions as may be imposed by the director on issuing the licence.

Notice of conditions.

11(2) Where the director imposes any terms and conditions on a licence, he shall forthwith give the licensee notice of the terms and conditions in writing sent by registered mail to the address of the licensee indicated in the application for the licence.

S.M. 1982, c. 20, s. 11.

Notice of changes.

12 A licensee shall notify the director of

(a) any material change in the facility described in the licence; or

(b) any material change in the manner of providing day care provided or offered in the facility described in the licence; or

(c) any change in the staff of the facility.

S.M. 1982, c. 20, s. 12.

Licence available for inspection.

13 Every licensee shall keep the licence posted in the facility, described in the licence in a clearly visible and prominent place.

S.M. 1982, c. 20, s. 13.

Validity of prior licences.

14 Where, on the coming into force of this Act, a person providing or offering day care in a day care centre, an occasional day care centre, a group day care home or a family day care home has

(a) a valid and subsisting licence issued under The Social Services Administration Act or the regulations made thereunder to provide day care to children; or

(b) a valid and subsisting licence other than a licence issued solely for the purpose of collecting a licence fee in lieu of business tax, issued by a municipality to provide or offer day care to children;

that person is not required to obtain a licence under this Act until the expiry of the term of the licence issued under that Act or those regulations or by the municipality, as the case may be.

S.M. 1982, c. 20, s. 14.

Interim licence.

15 Where

(a) a licence in respect of a facility expires and the director refuses to issue a new licence in respect of the same facility; or

(b) a licence issued in respect of a facility has been suspended or revoked;

and the licensee has appealed the refusal to issue the new licence or the suspension or revocation of the licence, as the case may be, the director shall issue an interim licence in respect of the facility for a term expiring on the earlier of

(c) the date the appeal board finally disposes of the appeal; or

(d) 3 months after the date of the expiry of the earlier licence or the date on which the earlier licence was suspended or revoked, as the case may be.

S.M. 1982, c. 20, s. 15.

Provisional licence.

16 Notwithstanding any other provision of this Act or the regulations, where

(a) a day care centre, an occasional day care centre, a group day care home or a family day care home in respect of which an application for a licence has been made does not meet all the requirements and standards prescribed in the regulations; but

(b) in opinion of the director, the day care centre, the occasional day care centre, group day care home or family day care home, as the case may be, would not be hazardous to the health, safety or well-being of any child provided day care therein and time is required to bring the facility into compliance with the requirements and standards prescribed in the regulations;

the director may issue a provisional licence in respect of the facility for such period, not exceeding 6 months, as he feels will be necessary to permit the applicant to bring the facility into compliance with the requirements and standards prescribed in the regulations.

S.M. 1982, c. 20, s. 16.

Orders respecting requirements.

17 Where the director

(a) is satisfied that any facility described in a licence is not being operated and maintained in compliance with the requirements or standards prescribed in the regulations for that type of facility; or

(b) the director believes that a facility described in a licence is being operated and maintained in a manner that is hazardous to the health, safety or well-being of children receiving day care in the facility;

the director may, by written order, require the person operating the facility to take such measures as shall be specified in the order, and within such time limits as may be specified in the order, to remedy the non-compliance or to remove the hazard, as the case may be and shall serve a copy of the order on the person operating the facility.

S.M. 1982, c. 20, s. 17.

Refusal, suspension and revocation of licence.

18(1) Where the director

(a) is satisfied that a licensee has contravened or failed to comply with any provision of this Act or the regulations or any condition of the licence; or

(b) is satisfied that any facility described in a licence is not being operated and maintained in compliance with the requirements or standards prescribed in the regulations for that type of facility; or

(c) believes that a facility described in a licence is being operated and maintained in a manner that is hazardous to the health, safety or well-being of children receiving day care in the facility; or

(d) is satisfied that a licensee or applicant for a licence has made a false statement in an application for the licence or in any document submitted in support of the application or in any document required under the regulations or by the director to be submitted by the licensee or the applicant, as the case may be; or

(e) is satisfied that a licensee has failed to comply with an order made under section 17;

the director may, as the case requires, refuse to issue a licence or a new licence in respect of the facility or to the applicant or, by written order, suspend or revoke the licence issued in respect of the facility or to the applicant.

Notice of refusal to issue licence.

18(2) Where the director refuses to issue a licence to an applicant therefor, he shall forthwith give the applicant notice of the refusal in writing sent by registered mail to the address of the applicant indicated in the application for the licence.

Notice of suspension, etc.

18(3) Where the director suspends or revokes a licence, a copy of the order suspending or revoking the licence shall be served on the licensee.

S.M. 1982, c. 20, s. 18.

Appeal of refusal to issue licence.

19(1) Where the director refuses to issue a licence to an applicant, the applicant may appeal the decision of the director.

Appeal of suspension or revocation of licence.

19(2) Where the director suspends or revokes a licence, the licensee may appeal the suspension or revocation of the licence.

Appeal of terms and conditions on licence.

19(3) Where the director imposes terms and conditions on a licence, the licensee may appeal the imposition of the terms and conditions on the licence.

Appeal of order under sec. 17.

19(4) Where the director makes an order under section 17, the licensee to whom the order is directed may appeal the making of the order, or any specific provision thereof.

Appeal of subsidy decision.

19(5) Where the director, or a person authorized by the director for the purpose of subsection 31(1), refuses to grant a subsidy to an applicant therefor or determines the amount of subsidy to be paid to an applicant therefor, the applicant may appeal the decision in respect of the subsidy.

Method of appeal.

19(6) Any appeal under this section may be made by the appellant by filing a written notice of appeal with the appeal board within 15 days of receiving notice of the decision, suspension, revocation, imposition of the terms and conditions, or order appealed, as the case may be.

S.M. 1982, c. 20, s. 19.

Procedure on appeal.

20 Where a notice of appeal under this Act is filed with the appeal board, the secretary of the appeal board shall arrange a date, not more than 15 days after the receipt of the notice of appeal, and a time and place for hearing the appeal, and shall give at least 3 days notice of the date, time and place fixed for the hearing to the appellant and the director.

S.M. 1982, c. 20, s. 20.

Director to forward documents, etc.

21 Upon being informed that an appeal has been taken under this Act, the director shall forthwith provide the appeal board with

(a) all the evidence of a documentary nature on which the director made the decision appealed; and

(b) all other records, reports and documents which the director thinks are relevant in determining the appeal.

S.M. 1982, c. 20, s. 21.

Director party to appeal.

22(1) The director is a party to every appeal taken under this Act and may appear or be represented and adduce evidence and make submissions on any appeal taken under this Act.

Notice of right to appeal.

22(2) Where the director makes an order or decision which is appealable under this Act, the order or notice of the decision shall set out, as a separate statement, that the order or decision may be appealed in accordance with this Act.

S.M. 1982, c. 20, s. 22.

Hearing of appeal.

23 On the date, and at the time and place, stated in the notice, the appeal board shall sit and hear all evidence adduced by or on behalf of the appellant and the parties to the appeal may appear on their own behalf or be represented by another person on their behalf.

S.M. 1982, c. 20, s. 23.

Hearings in camera.

24 Where the appellant so requests in writing, hearings on an appeal shall be held in camera, but otherwise they may be open to the public.

S.M. 1982, c. 20, s. 24.

Action of appeal board.

25 On an appeal under this Act, the appeal board may, by written order,

(a) dismiss the appeal; or

(b) quash the decision or order appealed; or

(c) vary the decision or order appealed; or

(d) make any decision or order which could have been made in the first instance.

S.M. 1982, c. 20, s. 25.

Appointment of provisional administrator.

26(1) Where

(a) the licence in respect of a facility expires and a new licence in respect of the facility has not been issued; or

(b) the director has suspended or revoked the licence issued in respect of a facility;

and, in the opinion of the minister, day care provided in the facility may be withdrawn before alternative arrangements to provide the day care can be made, the minister may, by written order, appoint a person as provisional administrator of the facility to carry on the operation of the facility for a period not exceeding 90 days.

Duties and functions of provisional administrator.

26(2) A provisional administrator appointed under subsection (1) to carry on the operation of a facility

(a) may enter, and authorize others to enter the premises in which the facility is operated for the purpose of carrying on the operation of the facility;

(b) may employ persons to assist in the operation of the facility; and

(c) may take such measures as he deems necessary in the circumstances for the orderly termination of the operation of the facility; and

(d) shall have all the powers, duties, privileges and authority of the former licensee of the facility, or the board of directors thereof, for the purpose of carrying on the operation of the facility.

Funds, books, etc. turned over to provisional administrator.

26(3) Where a provisional administrator is appointed under subsection (1), the former licensee of the facility and its officers and employees, shall forthwith deliver to the provisional administrator all moneys, books and records of the former licensee of the facility which pertained to the operation of the facility.

Remuneration of provisional administrator, etc.

26(4) Where a provisional administrator is appointed under subsection (1) in respect of a facility, the costs and expenses incurred in carrying on the operation of the facility, including remuneration for the provisional administrator and staff employed by the provisional administrator for the purpose of carrying on the operation of the facility, shall, as far as possible, be paid from the funds of the former licensee of the facility pertaining to the operation of the facility and, where the provisional administrator or any of the staff employed by him to carry on the operation of the facility are paid from the Consolidated Fund, the government may recover the amount of salary or wages paid to them from the former licensee of the facility in a court of competent jurisdiction.

S.M. 1982, c. 20, s. 26.

Day Care Staff Qualifications Review Committee.

27(1) There shall be a Day Care Staff Qualifications Review Committee comprised of 9 persons, who shall as far as possible and practical be representative of persons employed in day care centres, parents of children receiving day care in day care centres, members of the faculty of community colleges and universities who teach courses which are credits for the qualifications for staff of facilities, and the community at large, appointed by the Lieutenant Governor in Council for such term of office as the Lieutenant Governor in Council may fix.

Presiding member.

27(2) The Lieutenant Governor in Council shall designate one member of the review committee to be the presiding member thereof.

Alternative member to preside.

27(3) When the presiding member of the review committee is absent or unable to preside at a meeting of the review committee the other members may elect one of the members present to preside at the meeting.

Quorum.

27(4) Five members of the review committee constitute a quorum for conducting the business of the review committee and meetings thereof.

S.M. 1982, c. 20, s. 27.

Duties and functions of review committee.

28 The review committee shall

(a) advise the minister on requirements for and qualifications of staff for facilities and the training thereof; and

(b) perform such other related duties and functions as are prescribed under this Act or the regulations or as may be required by the minister.

S.M. 1982, c. 20, s. 28.

Qualifications of staff of facilities.

29(1) No licensee operating a facility under a licence shall employ a person to be responsible in any way for the provision of day care in the facility unless the person meets the qualifications for staff of facilities prescribed in the regulations or has a certificate issued under subsection (3) authorizing employment in the facility or in facilities of the class of the facility.

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Dispute as to qualifications.

29(2) Where a dispute arises as to whether a person meets the qualifications prescribed in the regulations for the staff of facilities, the director shall refer the matter to the review committee who shall hear the dispute and make a finding as to whether the person meets the qualifications or has training and experience equivalent to the qualifications and subject to subsection (3), the decision of the review committee is final and binding and not subject to further appeal.

Ministerial certificate.

29(3) If the minister is of the opinion that special circumstances exist, he may issue a certificate certifying that a person who does not meet the qualifications prescribed in the regulations for staff of facilities may be employed on the staff of a facility and he may limit the certificate to apply to employment in a facility or class of facilities specified in the certifcate.

S.M. 1982, c. 20, s. 29.

Grants.

30(1) The minister, in accordance with and subject to the regulations, may authorize grants to be paid

(a) to non profit corporations and cooperatives which operate licensed day care centres; and

(b) to persons who operate licensed group day care homes or licensed family day care homes.

Limitation on grants to day care centre.

30(2) The minister shall not authorize a grant to be paid under clause (1)(a) to a corporation or cooperative which operates a licensed day care centre unless

(a) the articles of incorporation, charter or by-laws of the corporation or cooperative provide for representation on the board of directors, to the extent required in the regulations, from parents of children receiving day care in the day care centre, the staff of the day care centre and the community at large; and

(b) where there is no such provision, the articles of incorporation, charter or by-laws provide for an advisory board composed, to the extent required in the regulations, of representatives from parents of children receiving day care in the day care centre, the staff of the day care centre and the community at large, to advise and assist the board of directors n the operation of the day care centre.

Keeping of books and records.

30(3) The minister may require any person applying for or receiving a grant or subsidy under this Act to keep books and records of account and to submit financial statements and balance sheets certified by a qualified auditor respecting any period of operation which he may specify and such other records as the minister may specify.

Audit by Provincial Auditor.

30(4) The minister may request the Provincial Auditor to examine and certify the accuracy of the financial records and accounts of any licensee operating a facility and to facilitate the examination the licensee shall permit the Provincial Auditor, or a member of the Provincial Auditor's staff, to have access to the books, records and accounts relating to the operation of the facility.

S.M. 1982, c. 20, s. 30.

Authority for subsidies.

31(1) The director, or a person authorized by the director for the purpose, may, in accordance with and subject to the regulations, authorize the payment of subsidies to or on behalf of parents or guardians of children requiring day care facilities.

Applications for subsidies.

31(2) Applications for subsidies shall be made in writing to the director and shall set out or be accompanied by such information as may be required under the regulations to be supplied.

Notice of subsidy decision.

31(3) The director, or a person authorized by the director under subsection (1), shall give notice in writing to every person who applies for a subsidy of whether the subsidy is granted and if it is granted of the amount thereof and the period during which it will be paid.

S.M. 1982, c. 20, s. 31.

Further assistance.

32 Where, in the opinion of the director,

(a) a person to whom or on whose behalf a subsidy is paid for day care of a child is unable to pay the cost of day care for the child over and above the amount of subsidy; and

(b) the child is in need of day care;

the director may, in accordance with and subject to the regulations, authorize the payment of further assistance to or on behalf of the person in an amount not exceeding the excess of the charges for the day care over the amount of subsidy payable to the person.

S.M. 1982, c. 20, s. 32.

Regulations.

33 For the purpose of carrying out the provisions of this Act according to their intent, the Lieutenant Governor in Council may make regulations as are ancillary thereto and are not inconsistent therewith; and every regulation made under, and in accordance with the authority granted by, this section has the force of law; and, without restricting the generality of the foregoing, the Lieutenant Governor in Council may make regulations not inconsistent with any other provision of this Act

(a) respecting the qualifications for the classification and licensing of day care centres, occasional day care centres, group day care homes, family day care homes and premises in which private home day care is provided;

(b) prescribing conditions for licences or various classes of licences;

(c) prescribing the fees payable for licences;

(d) respecting qualifications for licensees and requirements and standards of facilities operated by licensees and the furnishings and equipment thereof;

(e) prescribing the elements of programs of activities required to be provided by licensees in facilities;

(f) prescribing standards of health, safety, nutrition, discipline, staffing and emergency procedures required to be met or provided by licensees in facilities operated by them;

(g) prescribing the maximum number of children to which day care may be provided in facilities of various classes or meeting of various requirements or standards;

(h) respecting the qualifications, duties and responsibilities of licensee and of the staff of facilities operated by licensees;

(i) prescribing the books, records and accounts to be kept by licensees in respect of the operation of facilities;

(j) respecting the payment of grants to persons providing day care in facilities and prescribing the manner of determining the amount of grants, the requirements and qualifications for receiving grants and the conditions on which grants are payable;

(k) respecting the payment of subsidies to or on behalf of persons placing their children in facilities for day care and prescribing the manner of determining the amount of subsidies payable, and the requirements and qualifications for receiving subsidies, and respecting payment or subsidies in respect of persons over 12 years of age but under 13 years of age to allow the persons to continue to be placed in facilities for purposes prescribed in the regulations;

(l) prescribing the maximum fees chargeable by licensees of various classes for day care provided;

(m) prescribing duties and functions for the review committee;

(n) prescribing standards for staffing of facilities;

(o) exempting care and supervision of children provided by any person or any class of persons from the application of this Act or the application of any specific provision of this Act;

(p) prescribing special standards with which the operators of facilities or a class of facilities which are exempt under a regulation made under clause (o) from licensing under section 5 shall comply.

S.M. 1982, c. 20, s. 33.

Retroactive regulations.

34 Notwithstanding The Regulations Act a regulation made under this Act respecting grants or subsidies payable under this Act or the requirements or qualifications therefor may be made to be effective retroactively to a date prior to the date on which it is made.

S.M. 1982, c. 20, s. 34.

Offence and penalty.

35 Every person who contravenes any provision of this Act or the regulations, or fails to comply with an order made under this Act is guilty of an offence and liable on summary conviction to a fine of not more than $1,000.00 and, if the offence continues for more than 1 day, to a further fine of not more than $200.00 for each day during which the offence continues after the 1st day on which it occurred.

S.M. 1982, c. 20, s. 35.

Agreements.

36 With the approval of the Lieutenant Governor in Council, the minister may enter into agreements with the Government of Canada respecting the establishment of facilities or contributions to the cost of operating facilities or providing day care.

S.M. 1982, c. 20, s. 36.

Reference in Continuing Consolidation.

37 This Act may be referred to as chapter C158 of the Continuing Consolidation of the Statutes of Manitoba.

S.M. 1982, c. 20, s. 37.

Commencement of Act.

38 This Act comes into force on a day fixed by proclamation.

S.M. 1982, c. 20, s. 38.

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